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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,432	10/08/2003	Kerry L. Mickler	KELM-02US	7139
26875	7590	03/09/2006	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			WALK, SAMUEL J	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/681,432

Applicant(s)

MICKLER, KERRY L.

Examiner

Samuel J. Walk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 5 (and thus claims 6-9) are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The originally disclosed specification fails to show any description of the method of **vending** at least two cases, each for use with a different security system without connectivity structure. The only mention of the word "vend" is used in description of vendors, not vending. In addition, Examiner again indicates that the word "vending", according to The American Heritage College Dictionary, 4th Edition, means "1) To sell by means or a vending machine. 2) To sell by peddling."

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3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 (and thus claims 6-9) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 5 recites the limitation "the allocated bases" in line 4, pg 4 of the claims. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-2, 4 and 21 are again rejected under 35 U.S.C. 103(a) as being unpatentable over MacTaggart (US 5236086) in view of Torii (US 5598151).

In reference to Claim 1, MacTaggart discloses a gun containment device wherein base with openable lid and interior space met by container 14 with interior cavity 22 and door 24, see Col. 2 lns 17-22; claimed lock met by lock assembly 16, see Col. 2 ln 19. MacTaggart discloses that it is preferred that closure door be equipped with some sort of alarm system. MacTaggart does not disclose an alarm sensor, wireless transmitter and facility security system. However, Torii teaches of a firearm security system and access lock therefor wherein repository 12 is wired with alarm circuit 26 which communicates with a remote location 36, see Col. 6 lns 30-31, 42-43 and 61-67. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Torii into the system of MacTaggart so that the proper emergency personnel would be notified in the event of firearm removal more quickly.

In reference to Claim 2, see above rejection in reference to Claim 1. In addition, MacTaggart further shows support 14 for firearm insertion, see Fig. 3.

In reference to Claim 4, see above rejection in reference to Claim 1.

In reference to Claim 21, see above rejection in reference to Claim 1.

8. Claims 3, 10-14 and 18-20 are again rejected under 35 U.S.C. 103(a) as being unpatentable over MacTaggart in view of Torii and in further view of Yagesh (US 2004/0113783).

In reference to Claims 3 and 12, MacTaggart and Torii disclose a system for monitoring a plurality of containers over a plurality of security systems. MacTaggart and Torii do not disclose a plurality of sensors. However, Yagesh teaches of sensor suite 242 which includes temperature sensor 2422, internal circuit interrupt sensor 2424 and voltage standing wave ration (VSWR) sensor 2426, see para [0054]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Yagesh because utilizing multiple tampering sensors increases the efficiency of proper alarm detection and in case one of the other sensors malfunctioned, alarm detection could still be performed.

In reference to Claims 10-11, see above rejection in reference to Claims 1 and 6.

In reference to Claims 13-14, see above rejection in reference to Claims 7-8.

In reference to Claim 18, see above rejection in reference to Claim 5.

In reference to Claim 19, Yagesh further teaches of container position intrusion reporting beacon (CPIRB) 306 configured to obtain positional information using GPS, see para. [0072]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the teachings of Yagesh because sending position information of the alarm condition allows authorities to more quickly locate the container and act accordingly.

In reference to Claim 20, see above rejections in reference to Claims 10 and 1.

9. Claims 15-17 are again rejected under 35 U.S.C. 103(a) as being unpatentable over MacTaggart in view of Torii in view of Yagesh and in further view of Starefoss (US 5227776).

In reference to Claim 15, MacTaggart, Torii and Yagesh disclose a system for monitoring a plurality of containers over a plurality of security systems. MacTaggart, Torii and Yagesh do not disclose an interface card. However, Starefoss teaches of a combined alarm, security and rescue system wherein a central operator station communicates with electronic input/output devices using interface cards, see Col. 4 lns 17-25. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

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incorporate the teachings of Starefoss into the combined system to permit two-way communication and control.

In reference to Claim 16, Examiner takes Official Notice that both the concept and advantages of Ethernet cards are known and expected in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an Ethernet card because it is a functionally equivalent and readily available component.

In reference to Claim 17, Examiner takes Official Notice that both the concept and advantages of cellular telecommunications cards are known and expected in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use an cellular telecommunications card because it is a functionally equivalent and readily available component.

Response to Arguments

10. Applicant's arguments filed 12/22/2005 have been fully considered but they are not persuasive. The amended claim language "any one of a plurality" in Claim 1, "any one of at least two" in Claim 10 and "any one of a plurality" in Claim 21 can still be interpreted as just one; and thus, the previous rejections based on the previously presented art still stands.

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Allowable Subject Matter

11. The following is a statement of reasons for the indication of allowable subject matter: Claims 5-9 appear to be allowable because prior art fails to show connectivity structure configured to connect at least one sensor to means compatible with a plurality of different security systems for communicating a condition detected by the at least one sensor and vending at least two cases of the plurality each for use with a different one of a plurality of different security systems, the allocated cases being allocated without connectivity structure connected to a security system.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action

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is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Parish (US 5525966) discloses an electronic security system for weapons. Rouse (US 5111755) discloses a safe gun storage apparatus. Savastano (US 6400269) discloses a firearm alarm.

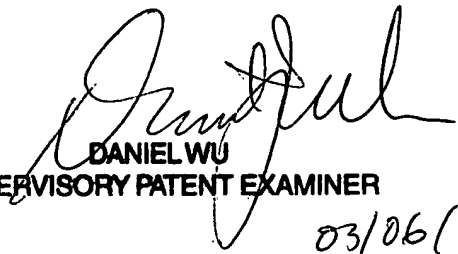
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J. Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SJW


DANIEL WU
SUPERVISORY PATENT EXAMINER
03/06/06